IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:16 cr 100-2

UNITED STATES OF AMERICA,)	
V.)	ORDER
JENNIFER MICHELLE FRADY,)	
Defendant.)	
)	

Pending before the Court is the Addendum [# 64] filed by the United States Probation Office alleging that Defendant had violated terms and conditions of her pretrial release. On November 3, 2017, the Court held an initial appearance on the addendum. The Government was present and represented through AUSA Don Gast. Defendant was not present. The Government moved for the Court to issue a warrant for Defendant's arrest. On that same date, the Court issued an arrest warrant [# 65]. On March 28, 2018, Defendant was arrested. On March 30, 2018, the Court again held an initial appearance on the addendum and revocation hearing. *See* Fed. R. Crim. P. 32.1(b)(2).

Discussion. 18 U.S.C. § 3148(b)(1) provides as follows:

The judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

- (1) finds that there is—
 - (A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or
 - (B) clear and convincing evidence that the person has violated any other condition of release; and
- (2) finds that—
 - (A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the

community; or

(B) the person is unlikely to abide by any condition or combination of

conditions of release.

If there is probable cause to believe that, while on release, the person committed a Federal, State, or local felony, a rebuttable presumption arises that no condition or

combination of conditions will assure that the person will not pose a danger to the

safety of any other person or the community.

Based on the evidence, the Court finds there is probable cause to believe that Defendant

has violated the conditions of her pretrial release by not being present on her November 3, 2017,

court date and subsequently absconding. Defendant failed to notify the Probation Office of her

whereabouts. Defendant then remained on the run from November 3, 2017, until March 28, 2018,

the date of her arrest.

It appears there is no condition or combination of conditions of release that will assure that

Defendant will not flee or pose a danger to the safety of any other person or the community. It is

the opinion of the Court that, based upon Defendant's actions, it is unlikely that Defendant will

abide by any condition or combination of conditions of release. As a result, the Court on its own

motion has determined to enter the following order.

ORDER

IT IS, THEREFORE, ORDERED that the unsecured bond [# 62] and terms and

conditions of pretrial release [# 61] entered in this matter are hereby REVOKED and it is

ORDERED that Defendant be detained pending further proceedings in this matter.

Signed: April 2, 2018

Dennis L. Howell

United States Magistrate Judge

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